



General Assembly

Substitute Bill No. 6690

January Session, 2001

AN ACT CONCERNING RECORDING FINAL ORDERS ON LAND RECORDS, OPEN BURNING, AND CONSERVATION EASEMENTS OR RESTRICTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) When an order issued by the Commissioner of
2 Environmental Protection to any person pursuant to section 22a-6, 22a-
3 6b, 22a-7, 22a-108 or 22a-363f of the general statutes to correct, abate or
4 penalize any violation of section 22a-32, 22a-92 or 22a-361 of the
5 general statutes or any certificate or permit issued under section 22a-6,
6 22a-6b, 22a-7, 22a-108, 22a-363f, 22a-32, 22a-92 or 22a-361 of the general
7 statutes becomes final, the commissioner shall cause a certified copy or
8 notice of the final order to be filed on the land records in the town in
9 which the land is located. Such certified copy or notice shall constitute
10 a notice to the owner's heirs, successors and assigns. When the order is
11 complied with or revoked, the commissioner shall issue a certificate
12 showing such compliance or revocation, which certificate the
13 commissioner shall cause to be recorded on the land records in the
14 town in which the order was previously recorded. A certified copy of
15 the certificate showing such compliance or revocation shall be sent to
16 the owner at the owner's last-known post office address.

17 Sec. 2. Section 22a-434 of the general statutes is repealed and the
18 following is substituted in lieu thereof:

19 When the commissioner issues [an] a final order to any person to
20 correct potential sources of pollution or to abate pollution, [he] the
21 commissioner shall cause a certified copy thereof to be filed on the
22 land records in the town wherein the land is located, and such order
23 shall constitute a notice to the owner's heirs, successors and assigns.
24 When the order has been fully complied with, the commissioner shall
25 issue a certificate showing such compliance, which certificate the
26 commissioner shall cause to be recorded on the land records in the
27 town wherein the order was previously recorded. A certified copy of
28 the certificate shall be sent to the owner of the land at [his] such
29 owner's last-known [post-office] post office address.

30 Sec. 3. Section 23-48 of the general statutes is repealed and the
31 following is substituted in lieu thereof:

32 Any person who kindles or directs another to kindle a fire in the
33 open air, without proper authorization from state or local authorities [,
34 which fire causes an injury to the person or damage to the property of
35 another] or any person who burns materials that are prohibited from
36 being burned by any provision of the general statutes, regulations of
37 state agencies or a local ordinance, shall be fined not more than two
38 hundred dollars or imprisoned not more than six months or both.

39 Sec. 4. Section 47-33h of the general statutes is repealed and the
40 following is substituted in lieu thereof:

41 Sections 47-33b to 47-33l, inclusive, shall not be applied to bar any
42 lessor or [his] successor of the lessor as a reversioner of [his] the right
43 to possession on the expiration of any lease or to bar or extinguish any
44 easement or interest in the nature of an easement, or any rights
45 granted, excepted or reserved by the instrument creating such
46 easement or interest, including any right for future use, if (1) the
47 existence of such easement or interest is evidenced by the location
48 beneath, upon or above any part of the land described in such
49 instrument of any pipe, valve, road, wire, cable, conduit, duct, sewer,
50 track, hole, tower or other physical facility and whether or not the

51 existence of such facility is observable, or to bar, extinguish or
52 otherwise affect any interest of the United States, of this state or any
53 political subdivision thereof, of any public service company as defined
54 in section 16-1 or of any natural gas company, or (2) such easement or
55 interest is a conservation restriction, as defined in section 47-42a, that
56 is held by a land trust or nonprofit organization.

ENV *Joint Favorable Subst. C/R* JUD

JUD *Joint Favorable Subst.*

PD *Joint Favorable*